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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
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16 NATIONAL FEDERATION OF THE BLIND
OF CALIFORNIA and MICHAEL
17 HINGSON,

18 Plaintiffs,

19 v.

20 UBER TECHNOLOGIES, INC.,

21 Defendant.
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Case No. 3:14-cv-4086 NC

**DECLARATION OF MICHAEL NUNEZ
IN SUPPORT OF THE PARTIES' JOINT
STIPULATION TO SET SCHEDULE FOR
FILING OF PLAINTIFFS' FIRST
AMENDED COMPLAINT AND
DEFENDANT'S MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

1 I, Michael Nunez, declare:

2 1. I am an attorney at law duly licensed to practice before this Court, and I am
3 counsel of record for Plaintiffs in the above-captioned case.

4 2. Plaintiffs filed their Complaint in this action on September 9, 2014 and served it
5 upon Defendant on September 24, 2014. Defendant filed its Motion to Dismiss Plaintiffs'
6 Complaint (Dkt. No. 9) on October 22, 2014.

7 3. The parties have modified time once before in this case, when they stipulated to a
8 one-week extension of time for Defendant to file its response to Plaintiffs' Complaint (Dkt. No.
9 8).

10 4. Plaintiffs will file Plaintiffs' First Amended Complaint by November 12, 2014,
11 which is within 21 days after service of Defendant's Motion to Dismiss, as permitted by Federal
12 Rule of Civil Procedure 15. The Parties have conferred and, to effectuate efficient litigation of
13 this action, have agreed to a schedule for the filing of Plaintiffs' First Amended Complaint,
14 Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint, and opposition and reply
15 papers thereto.

16 5. The parties' proposed stipulated schedule will promote efficient litigation of this
17 action, by ensuring that the parties do not expend additional time litigating Defendant's pending
18 Motion to Dismiss (Dkt. No. 9), which relates to Plaintiffs' original Complaint, and by providing
19 Defendant with adequate time to prepare and file a response to Plaintiffs' First Amended
20 Complaint, including a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b).

21 6. The proposed stipulated schedule clarifies the schedule that the parties will follow
22 in light of the planned filing of Plaintiffs' First Amended Complaint. The proposed schedule may
23 advance the litigation more quickly by avoiding supplemental briefing or additional hearings that
24 may result if the parties continue to litigate Defendant's Motion to Dismiss Plaintiffs' original
25 Complaint after Plaintiffs file Plaintiffs' First Amended Complaint. At most, the schedule will
26 delay litigation of Defendant's Motion to Dismiss by a few weeks.

1 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
2 was executed on November 3, 2014, in Berkeley, California.

3 DATED: November 3, 2014

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5 _____ /s/
6 Michael Nunez

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